

At the Courthouse of the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, Brooklyn, New York, on the day of , 2009

P R E S E N T:

HON. VIKTOR V. POHORELSKY  
UNITED STATES MAGISTRATE JUDGE

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OLGA MORROBEL, MANUEL SANCHEZ and  
OLGA MORROBEL and MANUEL SANCHEZ as  
Parents and Natural Guardians of  
KIMBERLY SANCHEZ, an Infant Under  
the Age of 14 Years,

08 CV 813 (VVP)

Plaintiffs,

COMPROMISE ORDER

-against-

LIEUTENANT JAMES CAHILL, P.O. "JOHN DOE"  
1-12 and THE CITY OF NEW YORK,

Defendants.

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Upon reading and filing the annexed affidavit of OLGA MORROBEL and MANUEL SANCHEZ, sworn to the 8th day of August, 2009, the declaration of ALAN D. LEVINE, ESQ., dated August 5, 2009, and upon the pleadings and proceedings heretofore had herein, and sufficient reason appearing therefrom that it is in the best interest of the infant plaintiff, KIMBERLY SANCHEZ, to settle and compromise the above-captioned cause of action and OLGA MORROBEL and MANUEL SANCHEZ, her parents and natural guardians, having appeared before the court with the infant and their attorney and consented to the compromise settlement of this action and the court having waived any further appearances by the infant and her parents, and having

waived further appearances or approval by the defendants, and it appearing that the best interests of the infant will be served by said settlement, it is

ORDERED, ADJUDGED AND DECREED, that OLGA MORROBEL and MANUEL SANCHEZ, the parents and natural guardians of the infant, KIMBERLY SANCHEZ, are hereby authorized to settle and compromise the claim of the infant, KIMBERLY SANCHEZ, against LIEUTENANT JAMES CAHILL, P.O. "JOHN DOE" 1-12 and THE CITY OF NEW YORK for the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars, said sum to be attained through payment by The City of New York of Seven Thousand Five Hundred (\$7,500.00) Dollars and it is further

ORDERED, ADJUDGED AND DECREED, that, out of said total sum, there be paid to ALAN D. LEVINE, the attorney for the plaintiffs, the sum of Two Thousand Five Hundred (\$2,500.00) Dollars, as his entire compensation, including disbursements, in the infant's claim and it is further

ORDERED, ADJUDGED AND DECREED, that the sum of Five Thousand (\$5,000.00) Dollars, be paid to OLGA MORROBEL and MANUEL SANCHEZ, the parents and natural guardians of KIMBERLY SANCHEZ, an infant, jointly with an officer of

located at

for the sole use and benefit of said infant and to be deposited in said bank in the guardians' names and custody for said infant and in a guardian account upon the following conditions:

- (a) Said account shall be fully insured at all times.

(b) Said funds shall be deposited in an account having the highest yield available, irrespective of whether it is a savings account, a certificate of deposit or other form of time deposit, subject to the limitations contained therein and subject to further order of this Court.

(c) If all or part of said funds are deposited in a savings certificate or other form of time deposit, the date of maturity of said deposit shall not extend beyond the date when said infant attains the age of eighteen (18) years, and upon the maturity of said deposit, said funds shall be reinvested in some form of account to the end that said funds shall continue to draw interest at the highest available yield, and it is further

ORDERED, ADJUDGED AND DECREED, that the bank is authorized and hereby directed, upon said infant's demand, without further order of the Court, to pay over, when she reaches the age of eighteen (18) years, all monies held by it in said account, and it is further

ORDERED, ADJUDGED AND DECREED, that said bank is authorized and directed to maintain One Hundred Percent (100%) of said fund in a form of deposit yielding the highest dividend return to the infant plaintiff, providing that said fund shall not be in such a form that it will not all be available to the infant plaintiff when she attains the age of eighteen (18) years of age, and it is further

ORDERED, ADJUDGED AND DECREED, that upon full compliance with the terms of this order, the parents, OLGA MORROBEL and MANUEL SANCHEZ, be and hereby are authorized and empowered to execute and deliver a general release on behalf of the infant, KIMBERLY SANCHEZ, and to deliver any other instrument necessary to effectuate the settlement herein.

ENTER:

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U.S.M.J.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

OLGA MORROBEL, MANUEL SANCHEZ and  
OLGA MORROBEL and MANUEL SANCHEZ as  
Parents and Natural Guardians of  
KIMBERLY SANCHEZ, an Infant Under  
the Age of 14 Years,

08 CV 813 (VVP)

Plaintiffs,

AFFIDAVIT

-against-

LIEUTENANT JAMES CAHILL, P.O. "JOHN DOE"  
1-12 and THE CITY OF NEW YORK,

Defendants.

-----X

STATE OF NEW YORK      )  
                            )  
                            ) ss.:  
COUNTY OF KINGS        )

OLGA MORROBEL and MANUEL SANCHEZ, being duly and jointly sworn,  
depose and say:

1. Your affiants reside at 241 New Jersey Avenue, Brooklyn, New York 11207.

We are the parents and natural guardians of the infant plaintiff, KIMBERLY SANCHEZ, who was born on June 8, 2004. The infant plaintiff resides with us at the above-listed address.

2. On November 28, 2006, the infant, KIMBERLY SANCHEZ, was injured when several of the individual defendants broke down the door of a bedroom where she was present with her mother and entered the room.

3. As a result of the aforesaid incident, the infant plaintiff was traumatized. She was seen by a psychiatrist on one occasion in January 2007 for the purpose of dealing with the trauma that she suffered. A copy of his report is annexed hereto. In his report, he said that she seemed to be doing well. We believe that she has completely recovered from her upset.

4. All expenses incurred for the treatment of our infant daughter's injuries have been paid.

5. We retained the Office of Alan D. Levine, Esq., 80-02 Kew Gardens Road, Suite 302, Kew Gardens, New York 11415 to prosecute this action fully on behalf of the infant plaintiff.

6. We believe that the proposed settlement that Mr. Levine has obtained in this action is fair and equitable and that it should be accepted in the best interests of our infant daughter.

7. Each of us also made a claim for damages suffered in the incident. We have settled our claims for the amount of Two Thousand Five Hundred (\$2,500.00) Dollars each.

8. The retainer agreement provides that Mr. Levine, representing our daughter, is to receive a fee equal to one-third of the sum recovered.

9. No prior application for the relief requested has been made.

10. WHEREFORE, we respectfully request that a judgment be entered approving the proposed settlement of the claim of the infant in the sum of Seven Thousand Five Hundred (\$7,500.00) Dollars.

Olga Morrobel  
OLGA MORROBEL  
Manuel Sanchez  
MANUEL SANCHEZ

Sworn to before me this  
8<sup>th</sup> day of August 2009

Shahin Akhter  
NOTARY PUBLIC

Shahin Akhter  
Notary Public, State of New York  
No. 01AK6114597, Qualified in Queens County  
Commission Expires: August 23, 2008 12



**THE BROOKDALE UNIVERSITY  
HOSPITAL AND MEDICAL CENTER**  
HEALTH MAINTENANCE VISIT

SANCHEZ, KIMBERLY MARIE

IGNACIO, ERLINDA G.

COINMA  
Loc:FLA

DOB: 06/06/2004  
U#: 1419008  
B#: 43815808  
DATE: 11/30/2008  
RM:

TWO YEARS

DATE

AGE

■ INFORMANT: \_\_\_\_\_

CURRENT PHONE: \_\_\_\_\_

■ PARENTAL CONCERNS / INTERIM HISTORY: \_\_\_\_\_

■ ADDITIONAL HISTORY: \_\_\_\_\_

8/7 policemen came to apt  
building + started  
searching all apt  
doors for something  
? drugs / ? dealers

■ MEDICATIONS: \_\_\_\_\_

■ ALLERGIES:  None Known \_\_\_\_\_

■ SOCIAL HISTORY:

Who Lives at Home \_\_\_\_\_

Primary Caretaker \_\_\_\_\_

Support Systems \_\_\_\_\_

Financial Resources \_\_\_\_\_

Kimberly saw policemen  
handcuffed Daddy w/ his  
face down on floor

■ FEEDING:  16-24 Ounces of Milk Per Day■ ELIMINATION:  Toilet Training  Constipation \_\_\_\_\_

■ SLEEP: \_\_\_\_\_

child started crying

+ so scared to the  
point that now she  
can't sleep, nor eat,  
or would scream if  
she hears noises

■ DEVELOPMENT: Personal/Social: Removes Garment  Y  N Brushes Teeth with Help  Y  NFine Motor: Throws Overhand  Y  NLanguage: Two Word Phrase  Y  N Six Body Parts  Y  NGross Motor: Walks Up Stair  Y  NParental Concerns About Hearing?  Y  N Parental Concerns About Vision?  Y  N Parental Concerns About Speech?  Y  N

■ ANTICIPATORY GUIDANCE/SAFETY:

Safety:  Gun in Home  Electrical Plug Covers  Balloons and Plastic Bags  Front Facing Car Seat  Sun ProtectionNutrition:  Three Meals with Family  Avoid Struggles at Meals  Nutritious SnacksParenting:  Time Out, Discipline  Potty Plan: Sign of Readiness  Dentist at 2 Years, Then Every Six Months  Peer Interactions

8/7/08

## S. Job M.S.A. ■ PHYSICAL EXAMINATION:

Weight: 30 lbs	%ile: 10	Height: 3 ft 6 in	%ile: Head Circ: 20 in	Pulse: 100	PR: 18
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General: alert N/A cooperative  
 Skin: no rashes  
 HEENT (Strabismus, Cataracts): no conjunctivitis

Lungs: clear  
 CV: no (a)  
 Abdomen: benign  
 GU: normal  
 Musculoskeletal: none  
 Neuro: none

## ■ SCREENING:

Hot (once between 15 months - 4 years)  Prev Normal  Today

Lead (yearly; high risk every 6 months)  Prev Normal  Today

PPD May be Indicated If High Risk  Done Today

High Risk for TB (e.g. Is or near homeless, Incarcerated, IV drug users, HIV infected, migrant worker)?  Y  N

## ■ ASSESSMENT:

Immunizations Up to Date?  Y  N

Any Contraindications to Routine Daycare Activities?  Y  N

A P7 Emotional Trauma  
 [police were come to apt.  
 old g. searching  
 for drug + dealers.]

## ■ PLAN:

Return in One Year

PD Psycho

social worker for Section 8  
 is already aware  
 & come to visit  
 family

As Iinst. geni

## DISCUSSED AND SEEN WITH:

RJC X 6 mos.

Preceptor Name/Signature \_\_\_\_\_

Provider Name/Signature \_\_\_\_\_

10/13/96

## THE BARKDALE HOSPITAL MEDICAL CENTER.

COMMUNITY MENTAL HEALTH CENTER OF THE DEPARTMENT OF PSYCHIATRY  
CONTINUING NOTES

PATIENT NAME	LAST	FIRST	INITIAL	AGE
Maryanne Oigs				
APPOINTMENT DATES				
KEPT				
MISSSED				

1/12/07 Re: Kimberly Sanchez

Child seen for day evaluation. Dx reviewed. Child has known language delay corroborated by first screening. She is approximately 6 mos to 1 year delayed in spoken language. However shows normal level of play function based on play on a picture book. Neurological integration is normal. Known to be product of a pregnancy complicated by gestational Diabetes.

Overall demeanor: chatative, an animated after brief period of apprehension. Actively engaged in social interaction with examiner. Relates verbally and appropriately to her mother.

Complaints of fearfulness upon hearing loud noises attenuated over time. Not negligible according to mother - perhaps 1-2/ week are becoming less intense.

Sup. Developmental Language Function

Re: Support for community for motor. I should reevaluate the child in 3 mos.

B. G. Gotsenberg  
WINBERG  
10/21/07

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Parents and Natural Guardians of  
KIMBERLY SANCHEZ, an Infant Under  
the Age of 14 Years,

08 CV 813 (VVP)

Plaintiffs,

DECLARATION OF  
ALAN D. LEVINE

- against -

LIEUTENANT JAMES CAHILL, P.O. "JOHN DOE"  
1-12 and THE CITY OF NEW YORK,

Defendants.

-----X

ALAN D. LEVINE, ESQ., an attorney admitted to practice before this court,  
declares the following to be true under the penalty of perjury:

1. On December 4, 2006, I was retained to prosecute a claim on behalf of the infant plaintiff, Kimberly Sanchez, as a result of her being emotionally upset when the individual defendants broke down her bedroom door and entered her room.
2. I interviewed the parents of the infant plaintiff. I drafted and filed a notice of claim and represented the infant's parents at the hearings held pursuant to New York General Municipal Law §50-h. I drafted, filed and caused to have served the summons, complaint and jury trial demand in this action. I served initial disclosures, reviewed defendants' initial disclosures and obtained and reviewed the infant's medical records. I prepared responses to defendants' interrogatories and document requests and prepared and served document requests upon the attorney for the defendants. I

participated in conferences before the Magistrate Judge, both in person and by telephone.

3. I engaged in settlement negotiations with the attorney for the defendants, ultimately arriving at an agreement for the City of New York, on behalf of the individual defendants and itself, to pay a settlement in the amount of \$7,500.00 to the infant plaintiff. This offer of settlement has been communicated to the infant plaintiff's parents, as the infant plaintiff is under the age of fourteen years, and the infant plaintiff's parents have agreed to settle the infant plaintiff's action for that sum.

4. I am recommending the settlement on behalf of the infant plaintiff because I believe, after a review of her medical records and discussions with her parents, that it represents full and fair compensation for her injuries.

5. The infant plaintiff's parents have agreed to pay me one-third of any settlement or judgment that I obtained on behalf on the infant plaintiff. Therefore, I am requesting that this Court order that I receive \$2,500.00 as my fee for representing the infant plaintiff in this action.

6. Your declarant has also prepared all papers for this application for compromise, including the affidavit of the parents and the order of compromise. I will also attend to the securing and signing of the order of compromise, and the collection of the settlement herein and will make arrangements for said money to be deposited in the proper bank as provided in said order.

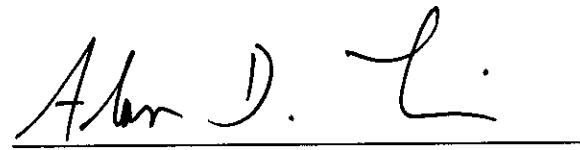
7. Your declarant has not been concerned in this application or its subject matter at the instance of the defendants, directly or indirectly, and has not received and is not to receive any compensation from the defendants, directly or indirectly, nor from

any person or firm in connection with this case, and he has no interest nor does he represent any interest conflicting with that of the infant plaintiff. Your declarant is acting solely and only in the interest and for the benefit of the infant plaintiff.

8. No prior applications have been made for the order requested herein.

WHEREFORE, your declarant respectfully requests that the order be granted.

Dated: Kew Gardens, New York  
August 5, 2009

  
\_\_\_\_\_  
ALAN D. LEVINE, ESQ.